

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ESTATE OF BARBARA JEANETTE DESKIN, DECEASED

By and Through Teressa

Ann Currier, Executrix of Estate Of

Barbara Jeanette Deskin, Deceased

PLAINTIFF

V.

CAUSE NO. 3:19-CV-265-MPM-JMV

**DIVERSICARE OF SOUTHAVEN, LLC D/B/A
DIVERSICARE OF SOUTHAVEN; DIVERSICARE
MANAGEMENT SERVICES CO.; DIVERSICARE
LEASING COMPANY III, LLC; AND DIVERSICARE
HEALTHCARE SERVICES, INC.**

DEFENDANTS

ORDER

This matter is before the Court on the defendants' motion for leave to conduct limited, arbitration-related discovery. For the reasons discussed below, the motion is granted.

Defendants seek to take limited discovery in the instant action as relates to 1) the plaintiff's actual or apparent authority to execute the arbitration agreement and 2) Ms. Deskin's competency to grant such authority.

The plaintiff, though filing an "objection" to the request, actually assert no real objection to the discovery proposed. Instead, it appears to suggest that additional discovery is necessary. To the extent the plaintiff seeks itself to take arbitration-related discovery, it may file a motion seeking that relief, to which the defendants will have an opportunity to respond.

In the interim, the court finds well taken the instant motion for discovery and hereby orders that the following discovery be had:

1. A single deposition of plaintiff, Teressa Currier, may be taken on issues pertaining to her actual or apparent authority to act on behalf of her mother, Barbara Jeanette Deskin;

2. Requests for production of limited third-party documents (i.e., financial records, medical records, etc.) which would reasonably bear on the issues of Teresa Currier's actual or apparent authority to execute the Arbitration and Admission Agreements; and
3. Service of no more than five (5) arbitration-related interrogatories and five (5) requests for production of documents to develop evidence on the issues of actual and apparent authority, as well as Ms. Deskin's competency to grant any such authority.

Defendants' Notice of Deposition shall be filed and all other discovery shall be propounded within thirty (30) days of today's date. The plaintiff's deposition shall be taken and all discovery responded to within thirty (30) days thereafter.

SO ORDERED this, December 11, 2019.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE